

FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS
3-21-02 *KKH*

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS

In The Matter Of	:	Administrative Action
	:	FINAL ORDER
PAUL REILLY	:	OF DISCIPLINE
	:	

This matter was opened to the New Jersey State Board of Social Work Examiners ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Pursuant to a Consent Order filed by the Board on September 5, 2001 (Exhibit 1), Paul Reilly's certification to practice social work was suspended for a period of five years commencing upon the entry of the Consent Order, with the first two years of the suspension being active and the remaining three years being stayed conditioned upon full compliance with the terms of the Consent Order.

2. The Consent Order states that during the active suspension, Paul Reilly ("respondent") is prohibited from holding himself out as a social worker or practicing social work, including practicing in exempt settings as defined in N.J.S.A. 45:15BB-5.

3. Respondent continued to engage in the practice of social work at Greystone Park Psychiatric Hospital during the active time of his suspension until his termination of employment on October 12, 2001 (Exhibit 2).

4. Additionally, Respondent continued to engage in the practice of social work at Summer House in Bergen County which is a non-profit residential program for psychiatric clients. During the active time of his suspension until his termination of employment on October 26, 2001 (Exhibit 3), respondent was employed as a relief counselor at Summer House.

5. During the time of his active suspension while he was nevertheless engaged in social work practice at Greystone Park Psychiatric Hospital, the Board received a complaint against respondent regarding his conduct toward a patient.

6. Further, the Consent Order directs that immediately upon signing the Consent Order, respondent shall return by registered mail his New Jersey certification to Leslie Aronson, Executive Director.

7. As certified by Leslie Aronson, respondent has failed to return his certification (Exhibit 4).

8. The Consent Order further directs that respondent pay a civil penalty and cost in the amount of fourteen thousand, three hundred dollars (\$14,300.00) over a period of twenty-two consecutive months, the first payment being due on the tenth day of

the month following the entry of the Consent Order (October 10, 2001).

9. As certified by Leslie Aronson, respondent has failed to remit any payments (Exhibit 4).

CONCLUSIONS OF LAW

Pursuant to N.J.S.A. 45:1-21 (b), (e), and (h), respondent's conduct as set forth herein constitutes grounds for the Board's refusal to issue a license or the Board's suspension or revocation of respondent's license to practice social work in the State of New Jersey. Respondent conduct constitutes employing dishonesty and misrepresentation pursuant to N.J.S.A. 45:1-21 (b) in that respondent did not disclose his suspension to his employers. Moreover, respondent's conduct constitutes professional misconduct pursuant to N.J.S.A. 45:1-21(e) in that respondent's failure to comply with the terms of the Consent Order is a failure to cooperate pursuant to N.J.A.C. 13:45C-1.4 which is deemed professional misconduct. Further, respondent's conduct constitutes a failure to comply with statutes and regulations of the Social Work Licensing Act pursuant to N.J.S.A. 45:1-21(h) in that respondent engaged in social work practice without a certification or license.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's certification and

assessing a civil penalty was entered on December 10, 2001, and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The respondent submitted a written response for the Board's consideration. Respondent stated that Findings of Fact #1-#3 and #5-#9 are all accurate. Regarding Finding of Fact #4, respondent stated that he believed that he was working as a "relief counselor" and not as a social worker. Respondent further informed the Board that although he had willingly signed the Consent Order, he now believes that it was a sham which was intended to prevent him from practicing social work in the future. He stated that he should not be responsible for either the civil penalty or the costs which were assessed in the Consent Order to be paid over a twenty-two month period. The basis for his belief that he should not be required to pay either the penalty or the costs is that he cannot afford to pay them as well as the required therapy and his general cost of living. Last, respondent points out that the \$5,000.00 civil

penalty assessed in the Provisional Order of Discipline is insufficient, and that at \$5,000.00 per violation, he should be assessed a civil penalty of at least \$45,000.00.

Respondent's submission was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Respondent had full legal representation and advice from his attorney Richard Denes, Esq. when respondent appeared for an investigative inquiry before the Board and when the Consent Order was negotiated and signed. Respondent's current view that the Consent Order is a "sham", and he cannot afford to pay the penalty and costs is not a basis for modifying or dismissing the Findings of Fact or Conclusions of Law in the Provisional Order of Discipline. Further, respondent's current view of the Consent Order does not release him from the agreed upon provisions of the Consent Order.

ACCORDINGLY, IT IS ON THIS 20th DAY OF March 2002

ORDERED THAT:

1. Respondent's certification to practice social work in the State of New Jersey is hereby revoked.

2. Respondent is hereby assessed a civil penalty in the amount of five thousand dollars (\$5,000.00) for his violations pursuant to N.J.S.A. 45:1-21 (b), (e), and (h). The payment shall be by certified check or money order, payable to the State of New Jersey, and sent to Leslie Aronson, Executive Director, State Board

of Social Work Examiners, Post Office Box 45033, Newark, New Jersey 07101. The penalty is due within twenty-one days of the entry of the Final Order of Discipline.

NEW JERSEY STATE BOARD OF SOCIAL WORK EXAMINERS

By: Mariagnes B. Lattimer
Mariagnes Lattimer, Ph.D, MSW, LCSW
President